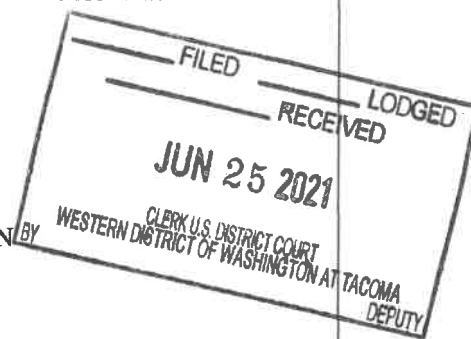


Antoine D. Johnson, MD
P.O. Box #561
Aberdeen, Washington 98520
(360) 500-0122

The Honorable DW Christel



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES PROBATION AND
PRETRIAL SERVICES (Custodian),
Respondent
v.
ANTOINE D. JOHNSON, MD,
Petitioner.

Case No. 3:21-cv-05125-JCC-DWC

OBJECTION TO MAGISTRATE ORDER.
(Re: Dkt. #23).

I. Magistrate Judge Christel violated the Priority of civil actions act.

Magistrate Judge Christel-

“denie[d] the Motion (Dkt. #22) as premature....”

[Dkt. #23: p. 2; ln. 3].

I OBJECT TO THAT DENIAL on the following grounds:

1. It is illogical, implausible, or without support in the record.
[See Dkt. #10: p.4; lns. 13-14].
2. It violates paragraph ‘a’ of the *Priority of civil actions* statute.
[See 28 USC 1657(a)].

1
2
3 “The Supreme Court has recognized that “[p]roblems of prematurity and
4 abstractness may well present ‘insuperable obstacles’ to the exercise of the Court’s jurisdiction,
5 even though that jurisdiction is technically present.” (*In re Coleman*: 560 F.3d 1000, 1006; (9th
6 Cir. 2009)).

7 Accordingly, the record here must contain a dismissal¹ or recommendation for
8 dismissal to render exercise of 28 USC 1657(a), “premature for review because the injury is
9 speculative and may never occur.” (*Wolfson v. Brammer*, 616 F.3d 1045, 1057; 2010 (9th Cir.)).
10 To my good, the record contains no dismissal or recommended dismissal of my Petition. (See
11 Dkt. generally). Hence, my Motion (Dkt. #22), is akin to “cases that are appropriate for federal
12 court action” under the ripeness doctrine. (*Id.*).
13

14 Because Magistrate Judge Christel-

15 “denie[d] the Motion (Dkt. #22) as premature....”
16

17 even though the record contains no dismissal or recommended dismissal of my
18 Petition, such denial is “illogical, implausible, or without support in inferences that may be
19 drawn from the record” (*U.S. v. Hinkson*, 585 F.3d 1247, 1263 (9th Cir. 2009)); and, violates
20 paragraph ‘a’ of the *Priority of civil actions* statute (28 USC 1657(a))².
21

22 Dated this 24th day of June, 2021.
23 Respectfully submitted by,

24 
25 Antoine D. Johnson, MD
26

27 ¹ “If the petition is not dismissed, the judge must order the respondent to file an answer, motion,
28 or other response within a fixed time, or to take other action the judge may order.” (Rules Governing Section 2254
Cases- Rule 4 in pertinent part only).

² I brought my Petition under Chapter 153 of Title 28. (See Dkt. #10: p.4; Ins. 13-14).
OBJECTION TO MAGISTRATE ORDER. (RE: DKT. #23). - 2

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